

REMARKS/ARGUMENTS

In the Action dated April 23, 2003, the Examiner has rejected claims 12-13 and 15 under 35 U.S.C. § 102(b) as being anticipated by *Stringer*, European Patent No. 0601500. That rejection is respectfully traversed.

Claim 12, an exemplar of the claims of this group, expressly recites the provision of a personal computer system which is loaded with usable software comprising a processor, a storage device and “several programs loaded on the storage device in such a way as to make the programs unusable” (*emphasis added*). Thereafter, a module associated with the processor is recited as making selected programs “active and usable . . .”

In clear contrast, *Stringer* teaches the so-called “try and buy” technique whereby actual operational software is loaded into a computer or transferred to the user of the computer and wherein that software is operational in either full function or limited function so that the user may evaluate the software and thereafter purchase the software, obtaining unrestricted full functional use of that material.

Thus, for example, at column 5, lines 17 *et seq.* *Stringer* teaches “the present invention allows a user to evaluate fully functional versions of original materials before purchasing the materials. Because the invention operates with any original material, there is no need for the author of the material to modify the original version to create a trial or evaluation version of the material. Rather, the invention allows any individual to transform an original version of the material into an evaluation without any special knowledge of the content of the original material.”

Similarly, at column 13, lines 50-55, *Stringer* teaches “this embodiment of the present invention provides enhanced value and allows personal configuration by a pre-loading software, ready to try, on a computer system. If the customer is satisfied with the software, the customer can purchase the product, and convert it to unlimited ownership.”

Applicant respectfully urges the Examiner to consider that the claims in question, and indeed each of the claims in the present application, expressly recite the loading of software into a computer in an “unusable form” and that thereafter the software is converted to a usable form upon an election based upon user activity or the status or position of the user. Applicant urges the Examiner to consider that it is beyond cavil that software which is loaded into a computer for evaluation, albeit temporary evaluation, cannot be said to anticipate, show or suggest software which is loaded into a computer in an unusable form and thereafter converted to usable form as set forth within each of the claims of the present application. Consequently, Applicant urges the Examiner to withdraw the rejection of claims 12-13 and 15 under 35 U.S.C. § 102(b) as being anticipated by this reference as such rejection is not well founded and would not be sustained upon reference to the Board of Patent Appeals and Interferences.

Similarly, the Examiner’s rejection of claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over *Stringer* in view of *Wiedmer*, United States Patent No. 5,155,680 is believed to be similarly deficient. The Examiner has *Wiedmer* for its teaching of a billing method which may include payment after selection, conversion and storage in a usable form; however, as no combination of *Wiedmer* with *Stringer* shows or suggests in any way the loading of software into a computer in an unusable form and the subsequent conversion of that software into usable form this rejection is also believed to be not well founded and it should be withdraw.

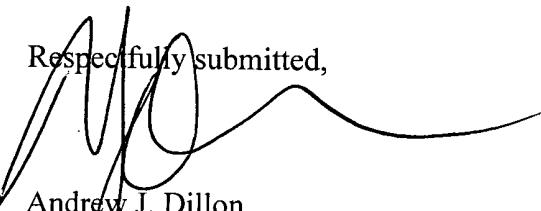
The Examiner has also rejected claims 1-2, 4-6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over of *Stringer* as applied above and further in view of *Casey et al.*, United States Patent No. 6,243,745. The Examiner cites *Casey* for its alleged teaching of the selection of programs based upon the user's position or function; however, the addition of the *Casey* citation to *Stringer* does not overcome the deficiency of *Stringer* in that *Stringer* fails to show or suggest the loading of software into a computer in an unusable form and the subsequent conversion of that software into usable form as set forth expressly within the claims of the present application and consequently, Applicant also urges the withdrawal of this rejection.

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Stringer* in view of *Casey et al.* and further in view of *Wiedemer*. That rejection is respectfully traversed in that, as set forth above, no combination of these references can be said to show or suggest the invention expressly set forth within claims of the present application in that none of these references anticipate, show or suggest in any way the loading of software into a computer in an unusable form and subsequent conversion into a usable form.

Finally, the Examiner has rejected claims 9-11 and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over *Stringer* in view of *Wiedemer* and further in view of *Casey et al.* As set forth above, this combination of claims also expressly recites that provision of software loaded into a computer in an unusable form and the subsequent conversion of that software into a usable form. As these references, for the reasons set forth above, fail to show or suggest such a technique it is respectfully urged that this rejection is improper and withdrawal of this rejection is respectfully requested.

For the reasons set forth herein, Applicant urges that claims 1-21 define patentable subject matter over this combination of references and withdrawal of the Examiner's rejection and passage of this application to issue is respectfully requested.

No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time to IBM Corporation Deposit Account No. 50-0563.

Respectfully submitted,

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